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BOOK REVIEWS.

A Digest of the Law of Evidence. By Sir James Fitzjames Stephen. Second American Edition, with Annotations and References to American Cases, by George Chase, LL.B. New York: Printed for the Editor, 1898. Cloth, pp. c. and 469.

The service rendered the law of evidence by Professor Stephen, and the merit and usefulness of his digest, are known to all members of the bar. Professor Chase has adapted the digest for the use of American lawyers, and has added, in the footnotes, a very complete and exhaustive statement of the American law on the subject, with citation of authority at every step. The law is stated as it is to-day. Little or no attempt is made to show the reasons underlying it, for this is beyond the scope of the work. It is also to be noticed that Professor Chase has been little influenced by the reasoning of the school of legal writers, of whom Professor Thayer of Harvard is the leader. This is shown by his treatment of the subject of the burden of proof where the distinction between the duty of going on and the duty of establishing a proposition, though hinted at, is not clearly brought forward. It is also proved by the fact that quite a bit of substantive law is given, as, for instance, in the part of the book which deals with presumptions. While the statement of the variation of the different States on different points in evidence is very full, it does not seem exhaustive. For instance, Connecticut is not mentioned among the States which do not allow an impeaching witness to be asked whether he would believe the man impeached on oath. If the book is to be generally used throughout the country, it would add to its utility to make the statement of such variations exhaustive. These, however, are at most small flaws in an exceedingly useful book. New York lawyers have found the first edition of the work of immense assistance. This edition brings the law down to 1898, and should find an equally large field. The book is essentially one for the practicing lawyer who wants to know what the law of evidence is. He can find the whole of it here, with the latest authorities. The book does not appeal, and is not intended to appeal, to the theorist.

The Law of Partnership, including Limited Partnerships. By Francis M. Burdick, Dwight Professor of Law in Columbia University School of Law. Boston: Little, Brown & Company, 1899. Cloth, pp. lii. and 422.

Little, Brown & Company's students' series and Professor Burdick's book on Sales are too well and favorably known to need any commendation or praise. Professor Burdick has added to the series a treatise on Partnership, which will, undoubtedly, find favor with students and members of the bar. The various theories of the nature of a partnership are classified into three groups—those which consider the firm as an association of persons, those which consider the firm as an entity, and those which consider partnership as a status. No attempt is made to prove any of the three the one to be accepted. Professor Burdick merely states them and then shows how each theory influences the State which holds it to take one or another position where the law varies with the jurisdiction. The Bankruptcy Law of 1898 has been considered, and its effect on the law of partnership stated, especially in the chapters on rights of creditors of the firm, the dissolution of the partnership and so on. As a general thing the law is stated as it is, though occasionally decisions are criticised sharply. One slight particular in which the book might be improved is in referring to case by name rather than as "the case last cited," particularly where the citation is in the notes. This is done frequently and is exasperating. While evidently Professor Burdick has written chiefly for students, his clear statement of the law, even where it is most perplexing, will strongly appeal to the practicing lawyer.